




David L. Bissett
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

IN RE:)	
)	
ENTSORGA WEST VIRGINIA, LLC,)	Case No. 3:23-bk-00046
)	
Debtor.)	Chapter 11
_____)	

ORDER

On March 10, 2023, the court convened a telephonic hearing to obtain an update from the parties regarding their respective efforts negotiating resolutions to several motions, including the Debtor's motion to obtain post-petition financing and the United States Trustee's motion to dismiss. During the hearing, the parties indicated an inability to resolve the Debtor's request for post-petition financing, and the Debtor reported its inability to obtain insurance of any type upon its property, particularly in the absence of an agreement regarding post-petition financing. Based upon that, the UST reiterated its position that failure to maintain insurance upon property of the estate constitutes cause to dismiss the case. *See* 11 U.S.C. § 1112(b)(4)(C).

Therefore, for reasons fully stated on the record, the court does hereby

ORDER that the UST's motion to dismiss (Doc. No. 34), filed February 21, 2023, be and hereby is GRANTED, and the case is DISMISSED. Based upon the dismissal, the court does hereby

FURTHER ORDER that the Debtor's motion to obtain post-petition financing (Doc. No. 4) and its motion to assume an executory contract (Doc. No. 6), both filed February 6, 2023, be and hereby are DENIED as Moot. Notably, however, the court does hereby

FURTHER ORDER that it retains jurisdiction to consider an application for compensation, which Debtor's counsel shall file not later than March 17, 2023.

In re:
Entsorga West Virginia, LLC
Debtor

Case No. 23-00046-dlb
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0424-3

User: ad

Page 1 of 3

Date Rcvd: Mar 10, 2023

Form ID: pdfdoc

Total Noticed: 70

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 12, 2023:

Recip ID	Recipient Name and Address
db	+ Entsorga West Virginia, LLC, 119 Recovery Way, Martinsburg, WV 25405-1705
cr	+ Apple Valley Waste Services, Inc., 771 James Burr Boulevard, Kearneysville, WV 25430-1125
cr	+ Berkeley County Solid Waste Authority, 19 Recovery Way, Martinsburg, WV 25405-1709
cr	+ West Virginia Economic Development Authority, 180 Association Drive, Charleston, WV 25311-1217, UNITED STATES 25311-1217
1664400	+ AC&T Co., Inc., 11535 Hopewell Road, Hagerstown, MD 21740-2109
1664401	AMCS Group, PO Box 360645, Pittsburgh, PA 15251-6645
1664403	+ AP Logistics, LLC, PO Box 265, Jewett, TX 75846-0265
1664404	+ Apple Valley Scale Company, PO Box 3434, Winchester, VA 22604-1134
1664406	+ Apple Valley Waste Services, Inc., 400 West Stephen Street, Suite 209, Martinsburg, WV 25401-3838
1664405	+ Apple Valley Waste Services, Inc., PO Box 309, Kearneysville, WV 25430-0309
1664523	Atty General Of WV, BLDG 1 E-26 Ground Floor Main Unit, Capitol Building, Charleston WV 25301
1664409	+ Berkeley County SWA, 19 Recovery Way, Martinsburg, WV 25405-1709
1664407	+ Berkeley County Sheriff, 400 West Stephen Street, Suite 209, Martinsburg, WV 25401-3838
1664408	+ Berkeley County Solid Waste Authority, 870 Grapevine Road, Martinsburg, WV 25405
1664410	+ Bousum Transfer, LLC, PO Box 290, Petersburg, PA 16669-0290
1664412	#+ Chelsea Weister, 622 Morison Street, Charles Town, WV 25414-1141
1664413	+ Cintas, PO Box 630803, Cincinnati, OH 45263-0803
1664414	+ Clean Harbors Environmental Services, Inc., PO Box 734867, Dallas, TX 75373-4867
1664415	+ Conspec Controls, Inc., 6 Guttman Blvd., Charleroi, PA 15022-1015
1664416	+ Conti Testing Laboratories, Inc., PO Box 174, Bethel Park, PA 15102-0174
1664417	+ Crawford's Welding, Inc., 318 Kackley Way, Martinsburg, WV 25405-5094
1664418	+ Dennis Soward, PO Box 951, Kearneysville, WV 25430-0951
1664419	+ East Mountain Health Physicians, Inc., PO Box 1910, Winchester, VA 22604-8060
1664421	+ Elementar Americas, Inc., 119 Comac Street, Ronkonkoma, NY 11779-6931
1666167	+ Enrico A. Pellegrini, Esq., Pellegrini & Mendoza LLP, 250 Park Avenue, 7th Floor, New York, NY 10177-0799
1666168	+ Entsorgafin S.p.A., c/o: Enrico A. Pellegrini, Esq., Pellegrini & Mendoza LLP, 250 Park Avenue, 7th Floor, New York, NY 10177-0799
1664422	+ Ernest Fisher, 259 Drexel Court, Martinsburg, WV 25404-1116
1664423	+ Fireline Corporation, 4506 Hollins Ferry Road, Halethorpe, MD 21227-4671
1664424	+ First Insurance Funding, PO BOX 7000, Carol Stream, IL 60197-7000
1664425	+ Freed Maxick, PO Box 8000, Dept 644, Buffalo, NY 14267-0002
1664426	+ Frost Brown Todd, PO Box 5716, Cincinnati, OH 45201-5716
1664721	+ Frost Brown Todd LLP, Edward M. King, 400 W. Market Street, 32nd Floor, Louisville, KY 40202-3359
1664427	Glessner Technologies, 12116 Sherman Avenue, Hagerstown, MD 21740
1664428	+ Hendrickson & Long, PLLC, 214 Capitol Street, PO Box 11070, Charleston, WV 25339-1070
1664430	+ James River Equipment, 245 Yardmaster Court, Stephenson, VA 22656-1761
1664431	+ Jared M. Adams, Esq., Adams Law Firm, PLLC, PO Box 755, Martinsburg, WV 25402-0755
1664433	+ Jason Fondren, 36 Venetian Court, Hedgesville, WV 25427-7471
1664434	+ Kiln Direct, LLC, 1880 Lynette Drive, Sumter, SC 29154-8093
1664436	+ Konecranes, Inc., PO Box 644994, Pittsburgh, PA 15264-4994
1664437	+ Kristopher Napier, 115 Mahoney Drive, Harpers Ferry, WV 25425-6423
1664438	+ Linder Recyclingtech America, LLC, 152 Walker Road, Statesville, NC 28625-2535
1664439	+ Matthew Malatt, 39 Stockade Court, Hedgesville, WV 25427-4983

- 1664440

+ McNeese, Wallace, Nurick, LLC, PO Box 1166, Harrisburg, PA 17108-1166
- 1664441

+ North American Millwright, 4480 North Point Blvd., Sparrows Point, MD 21219-1004
- 1664442

+ Onion Strategies, LLC, 33 West Main Street, Buckhannon, WV 26201-2235
- 1664443

+ Panhandle Builders & Excavating, Inc., 222 Langston Blvd., Martinsburg, WV 25404-6598
- 1664444

+ Polsinelli, PC, PO Box 878681, Kansas City, MO 64187-8681
- 1664445

+ Polsinelli, PC, 161 N. Clark Street, Chicago, IL 60601-3316
- 1664447

+ Quad-State Air Compressor, 362 South Carlisle Street, Greencastle, PA 17225-1568
- 1664525

+ Regional Bankruptcy Contact, U.S. Environmental Protection Agency, Region III, 1650 Arch Street (3RC00), Philadelphia PA 19103-2029
- 1664448

+ Securitas Security Services USA, Inc., PO Box 403412, Atlanta, GA 30384-3412
- 1664449

+ Stanley Cotta, 4262 Back Creek Valley Road, Hedgesville, WV 25427-6501
- 1664450

+ Stewart Management Company, 301 North Market Street, Suite 1410, Wilmington, DE 19801-2529
- 1664451

+ Tim Cottrell, PO Box 242, Ivydale, WV 25113-0242
- 1664528

+ US Attorney, Northern District of WV, PO Box 591, Wheeling WV 26003-0011
- 1664452

+ United Rentals PR, Inc., PO Box 100711, Atlanta, GA 30384-0711
- 1664456

+ WM Corporate Services, Inc., PO Box 13684, Philadelphia, PA 19101-3684
- 1664457

+ WV Economic Development Authority, 180 Association Drive, Charleston, WV 25311-1217
- 1664458

+ WVEDA Solid Waste Disposal Revenue Bonds, US Bank ATTN: Chris Gehman EX-VA-URIT, James Center II, 1021 East Cary St., Suite 1850, Richmond, VA 23219-4090
- 1664530

West Virginia Insurance Commission, Legal Division - Bankruptcy, Post Office Box 50540, Charleston WV 25305-0540
- 1664454

+ William Hess, 212 Winchester Avenue, Apt. B, Martinsburg, WV 25401-2604
- 1664455

+ Williams Scotsman, Inc., PO Box 91975, Chicago, IL 60693-1975
- 1664420

+ eFactor3, LLC, 15050 Choate Circle, Suite E, Charlotte, NC 28273-7342

TOTAL: 63

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
1664411	+ Email/Text: cborrelli@bressler.com	Mar 10 2023 18:54:00	Bressler, Amery, & Ross, P.C., 325 Columbia Turnpike, Suite 301, Florham Park, NJ 07932-1235
1664524	Email/Text: sbse.cio.bnc.mail@irs.gov	Mar 10 2023 18:54:00	Internal Revenue Service, Post Office Box 7346, Philadelphia PA 19101-7346
1664446	+ Email/Text: bankruptcy@firstenergycorp.com	Mar 10 2023 18:54:00	Potomac Edison, PO Box 3615, Akron, OH 44309-3615
1664526	+ Email/Text: karen.brown@treasury.gov	Mar 10 2023 18:54:00	Secretary Of The Treasury, 15th St & Pennsylvania Avenue, Washington DC 20220-0001
1664527	+ Email/Text: ssa.bankruptcy@ssa.gov	Mar 10 2023 18:54:00	Social Security Administration, 300 Spring Garden Street, Philadelphia PA 19123-2999
1664529	Email/Text: TaxBankruptcy@wv.gov	Mar 10 2023 18:54:00	WV Dept of Tax & Revenue, Bankruptcy Unit, Post Office Box 766, Charleston WV 25323-0766
1664453	+ Email/Text: TaxBankruptcy@wv.gov	Mar 10 2023 18:54:00	West Virginia State Tax Department, P.O. Box 1826, Charleston, WV 25327-1826

TOTAL: 7

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
1665231	*+	Apple Valley Scale Company Inc., PO Box 3434, Winchester VA 22604-1134
1664432	*+	Jared M. Adams, Esq., Adams Law Firm, PLLC, PO Box 755, Martinsburg, WV 25402-0755
1664435	*+	Kiln Direct, LLC, 1880 Lynette Drive, Sumter, SC 29154-8093
1664402	##+	American Pest Control, LLC, 1314 Edwin Muller Blvd., Martinsburg, WV 25404-5717
1664429	##+	Impact Paving, LLC, 2741 Hilltop Road, Oakdale, PA 15071-2100

TOTAL: 0 Undeliverable, 3 Duplicate, 2 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 12, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 10, 2023 at the address(es) listed below:

Name	Email Address
Arthur M. Standish	on behalf of Creditor US Bank Trust Company N.A., as Indentured Trustee art.standish@steptoe-johnson.com
Brian Richard Blickenstaff	on behalf of Debtor Entsorga West Virginia LLC bblickenstaff@johnswvlaw.com
Charles S. Trump, IV	on behalf of Creditor Berkeley County Solid Waste Authority ctrump@trumpandtrump.com chenry@trumpandtrump.com
Debra Lee Allen	on behalf of Creditor West Virginia Economic Development Authority dallen@spilmanlaw.com
John Douglas Elrod	on behalf of Creditor US Bank Trust Company N.A., as Indentured Trustee elrodj@gtlaw.com, fieldss@gtlaw.com
Julia A. Chincheck	on behalf of Creditor Apple Valley Waste Services Inc. jchincheck@bowlesrice.com, ajones@bowlesrice.com
Michael R. Proctor	on behalf of Creditor Apple Valley Waste Services Inc. mproctor@bowlesrice.com, lcrown@bowlesrice.com
Shari Lynne Collias	on behalf of U.S. Trustee United States Trustee shari.collias@usdoj.gov
United States Trustee	ustpreion04.ct.ecf@usdoj.gov
W. Eric Gadd	on behalf of Creditor West Virginia Economic Development Authority EGadd@spilmanlaw.com
Zachary James Rosencrance	on behalf of Creditor Apple Valley Waste Services Inc. zrosencrance@bowlesrice.com, ajones@bowlesrice.com

TOTAL: 11